



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

September 20, 2016

Port of Tacoma
ATTN: Mr. Mark Rettmann
PO Box 1837
Tacoma, WA 98401-1837

Prologis Management, LLC
ATTN: Mr. Ken Sun, Vice President
3353 Gateway Blvd.
Fremont, CA 94538

RE: Transfer and Second Amendment to 401 Water Quality Certification Order No. 10471 for U.S. Army Corps of Engineers Reference No. NWS-2012-1320-WRD for the Drainage District 23 Ditch Alterations, in drainage ditches associated with Hylebos Creek, Cities of Tacoma and Fife, Pierce County, Washington

Dear Mr. Rettman and Mr. Sun:

This letter serves as the Department of Ecology (Ecology) acknowledgement of the transfer of Ecology's 401 Water Quality Certification, Order No. 10471 (401WQC) from the Port of Tacoma to Prologis Management, LLC. As the transferee, Prologis Management, LLC agrees to be bound by the terms and conditions of Order No. 10471 and the enclosed Second Amendment.

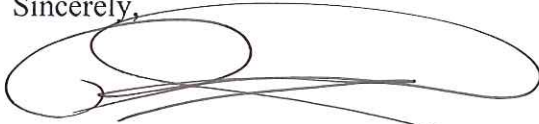
On July 29, 2016, the Port of Tacoma submitted a request to Ecology to modify the 401 WQC to authorize additional ditch alterations, transfer Order No. 10471 to Prologis Management, LLC, and incorporate the new Water Quality Monitoring Plan for Prologis Park Tacoma dated August 29, 2016.

All other conditions of Water Quality Certification Order No. 10471 remain in effect. In order to easily see the changes to Order No. 10471, we are providing a strikeout version of the 401 WQC for your information.



If you have any questions, please contact Lori Kingsbury at (360) 407-6926. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,



Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

Enclosure

By Certified Mail 91 7199 9991 7036 8381 6585 (Port of Tacoma)

By Certified Mail 91 7199 9991 7036 8381 6592 (Prologis Management, LLC)

cc: Olivia Romano, U.S. Army Corps of Engineers

e-cc: ecyrefedpermits@ecy.wa.gov

Loree' Randall, Ecology, HQ SEA

Lori Kingsbury, Ecology, SWRO SEA

Rick Mraz, Ecology, SWRO SEA

Laura Inouye, Ecology, HQ SEA

Chris Montague-Breakwell, Ecology, SWRO WQ

IN THE MATTER OF GRANTING) ORDER No. 10471, Second Amendment
A WATER QUALITY) Corps Reference No. NWS-2012-1320-WRD
CERTIFICATION TO)
The Port of Tacoma)
In accordance with 33U.S.C. 1341)
(FWPCA §401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: Prologis Management, LLC
ATTN: Mr. Ken Sun, Vice President
3353 Gateway Blvd.
Fremont, CA 94538

On March 12, 2014, the Washington State Department of Ecology (Ecology) issued a Section 401 Water Quality Certification (WQC) to the Port of Tacoma (Port) for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). A First Amendment to the WQC was issued on October 29, 2014.

Ecology received a request, including revised plans and project information, from the Port on July 29, 2016, to modify the project description to accommodate further development of Parcel 14 and construct associated roadway improvements. The Port also indicated that Order No. 10471 would be transferred to the new Tenant (Prologis Management).

A request to transfer Order No. 10471 letter was received from Prologis Management, LLC on August 8, 2016. The Prologis Park Tacoma project will consist of four warehouse/distribution center buildings and associated infrastructure totaling approximately 1,746,350 square feet of building space on the approximately 80.7-acre site located near the Port of Tacoma.

This Amendment also incorporates by reference, a new Water Quality Monitoring Plan (WQMP) for Prologis Park Tacoma dated August 29, 2016, that has been reviewed and approved by Ecology.

Administrative Order No.10471 is hereby amended as follows:

The project description is amended to authorize the following additional activities:

The additional scope of work associated with the development of Parcel 14 includes ditch alterations to meet City of Fife roadway improvement requirements by expanding 12th Street E to a three lane street with bike lanes and a sidewalk along the south side of the street and installing necessary stormwater infrastructure.

The 8th Street E roadway will also be expanded to line up with the culvert crossing and improve the intersection of 8th Street E and 54th Avenue E to meet minimum safety and design requirements. Finally, five additional outfalls will be located within the DD23 Ditch, and one outfall may be located in the existing 8th Street E south-side ditch.

The existing stormwater conveyance capacity of the ditches will be replaced by an underground piped stormwater conveyance system with six new stormwater outfalls to the DD23 Ditch.

The ditch alterations include:

- Placement of up to 685 cubic yards of fill in the 12th Street E north-side ditch and the 8th Street E north-side ditch;
- Installation of six new stormwater outfalls into the DD 23 ditch including placement of up to 15 cubic yards of rip-rap at these outfall discharge points; and,
- The extension of an existing culvert under 12th Street East, including the placement of up to nine cubic yards of fill.

Condition No. A.1. that reads:

1. For purposes of this Order, the term "Applicant" shall mean the Port of Tacoma and its agents, assignees and contractors.

Is replaced with:

1. For purposes of this Order, the term "Applicant" shall mean the Prologis Management, LLC and its agents, assignees and contractors.

Condition No. A.3. that reads:

3. Work authorized by this Order is limited to the work described in the initial JARPA received by Ecology on December 18, 2012 and as revised in the subsequent submittal received on April 30, 2014. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.

Is replaced with:

3. Work authorized this Order is limited to the work described in the initial JARPA received by Ecology on December 18, 2012, the revised submittal received on April 30, 2013, the first modification request submitted on September 30, 2014, and the second modification request dated July 29, 2016, and associated drawings. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.

Condition No. B.2. that reads:

2. The Applicant shall submit a Water Quality Monitoring and Protection Plan (WQMPP) to Ecology's Federal Permit Manager (per Condition A2, above) for **review and approval** at least 20 days prior to any in - and - over-water work activities. Work is not authorized

to begin until approval is received. The WQMPP shall include at a minimum, the following information:

- a. The name(s) and contact information of the person or firm responsible for on-site monitoring and reporting;
- b. The Best Management Practices (BMPs) and procedures to be used to protect water quality during the specific segments of work activities;
- c. A water sampling plan for turbidity that includes the sampling method and frequency;
- d. A map of the sample locations that shall include, but are not limited to: background (outside the area of influence), half the distance to the point of compliance, and at the point of compliance, unless otherwise approved by Ecology
- e. A contingency plan that includes the steps to be taken if monitoring results indicate that an exceedance has occurred.

Is replaced with:

2. Water Quality Sampling and Monitoring: The Applicant shall conduct water quality monitoring as described in the approved *Water Quality Monitoring Plan, Prologis Park Tacoma* prepared by Soundview Consultants LLC dated August 9, 2016.

No other conditions or requirements of the above-mentioned order are affected by this amendment. Ecology retains continuing jurisdiction to make modifications hereto through supplemental orders, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Amendment to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Amendment. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001 (2).

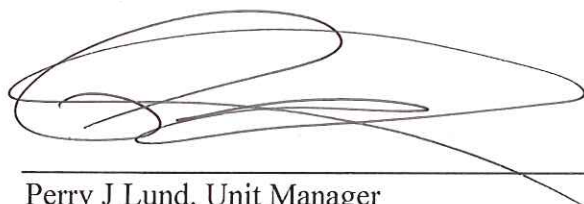
To appeal you must do all of the following within 30 days of the date of receipt of this Amendment:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

| Street Addresses | Mailing Addresses |
|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 | Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 |
| Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501 | Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903 |



Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Department of Ecology
Southwest Regional Office
State of Washington

Date

9/20/2016

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October 29, 2014: First Amendment changes are reflected in RED.

September 20, 2016: Second Amendment changes are reflected in BLUE.

DEPARTMENT OF ECOLOGY

| | | |
|------------------------------------|---|----------------------------------------------------|
| IN THE MATTER OF GRANTING A |) | ORDER # 10471 |
| WATER QUALITY |) | Corps Reference # NWS-2012-1320-WRD |
| CERTIFICATION TO |) | For the Drainage District 23 Ditch Alterations, in |
| Port of Tacoma |) | ditches associated with Hylebos Creek, Tacoma |
| in accordance with 33 U.S.C. 1341 |) | and Fife, Pierce County, Washington |
| (FWPCA § 401), RCW 90.48.120, RCW |) | |
| 90.48.260 and Chapter 173-201A WAC |) | |

TO: ~~Port of Tacoma~~
~~ATTN: Mr. Mark D. Rettmann~~
~~PO Box 1837~~
~~Tacoma, WA 98401-1837~~
Prologis Management LLC
ATTN: Mr. Ken Sun, Vice President
3353 Gateway Blvd.
Fremont, CA 94538

On December 18, 2012 the Port of Tacoma (Port) submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. Project revisions were submitted to Ecology on April 30, 2013. A joint public notice for a proposed water quality certification from Ecology was distributed by the U.S. Army Corps of Engineers for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on March 15, 2013.

The project consists of the following elements:

- The installation of a culvert across Drainage District 23 Ditch (DD 23, also referred to as the Fife Ditch);
- Filling the 8th Street East roadside ditches to provide site access to prepare Parcel 14 for future development;
- Excavation of a stormwater storage basin on the left bank of DD 23;
- **Construct a new access entrance at approximately 12th Street and 46th Street at the project location;**

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- **Install a pipe no more than 96 linear feet long in the 12th Street Ditch for the construction road crossing which includes the installation of a 2-foot diameter culvert, manhole and connection to an existing stormwater outfall pipe along 12th Street; and**
- **Remove 15 cubic yards of sediment from 125 linear feet of the 12th Street Ditch, east and west of the new crossing.**
- **Placement of up to 685 cubic yards of fill in the 12th Street East north-side ditch and the 8th Street East north-side ditch;**
- **Installation of six new stormwater outfalls into the DD 23 ditch, including placement of up to 15 cubic yards of rip-rap at these outfall discharge points;**
- **The extension of existing culvert under 12th Street East includes the placement of up to nine cubic yards of fill.**

Project work includes the installation of a concrete box culvert, 80 feet long, 16 feet wide, and 7 feet tall, in the Fife Ditch at 8th Street. The culvert installation would include the excavation of up to 576 cubic yards of soils and placement of up to 625 cubic yards of quarry spall, crushed bedding, and structural backfill. A temporary flow diversion system will be installed to bypass flow in the Fife Ditch to isolate the in-water construction area.

To accommodate current access and further roadway widening, 8th Street East road-side drainage ditches will be filled along 230 linear feet on the north side and 330 linear feet on the south side of the street. The street will be excavated (up to 2,010 cubic yards), filled (up to 2,515 cubic yards) and graded to create the road prism for future roadway widening.

A stormwater storage basin will be excavated in an upland area of Parcel 14 and connected to the Fife Ditch. The proposed stormwater storage basin would provide increased capacity of the Fife Ditch to meet the proposed future development which includes the extension of State Route 167.

Approximately 92.6 acres of upland grading will occur on Parcel 14 to prepare the site for future development

The additional scope of work associated with the development of Parcel 14 includes ditch alterations to meet City of Fife roadway improvement requirements by expanding 12th Street E to a three lane street with bike lanes and a sidewalk along the south side of the street and installing necessary stormwater infrastructure.

The 8th Street E roadway will also be expanded to line up with the culvert crossing and improve the intersection of 8th Street E and 54th Avenue E to meet minimum safety and design

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requirements. Finally, five additional outfalls will be located within the DD23 Ditch, and one outfall may be located in the existing 8th Street E south-side ditch.

The existing stormwater conveyance capacity of the ditches will be replaced by an underground piped stormwater conveyance system with six new stormwater outfalls to the DD23 Ditch.

This project is associated with the proposed site preparation of Parcel 14. The location of the 8th Street East Culvert is on the following three parcels: 5200 12th Street, Tacoma; 5100 8th Street East, Tacoma; and 1010 54th Avenue East, Fife, Pierce County, Washington. The location of the stormwater storage basin portion of the project is on the following parcels: 5000 4th Avenue, 5200 4th Street, and 5200 Marshall Avenue, Tacoma, Pierce County, Washington. All portions of the project are located within Section 1, Township 20 North, Range 3 East, WRIA 10, Puyallup-White Watershed.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

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Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean the **Port of Tacoma Prologis Management LLC** and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent either by regular mail to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775 or via e-mail to loch461@ecy.wa.gov. Any submittals shall reference Order No. **10471** and Corps No. **NWS-2012-1320-WRD**.
3. **Work authorized by this Order is limited to the work described in the initial JARPA received by Ecology on December 18, 2012, the revised submittal received on April 30, 2013, the first modification request submitted on September 30, 2014, and second modification request dated July 29, 2016, and associated drawings.** The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. Within 30 days of receipt of an updated JARPA Ecology will determine if the revised project requires a new Water Quality Certification and Public Notice or if a modification to this Order is required.
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.
6. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
7. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.

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8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
9. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permit, plans, documents, and approvals. These statements shall be provided to Ecology before construction begins at the project site.
10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
11. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

B. Water Quality Conditions:

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i).
- ~~2. The Applicant shall submit a Water Quality Monitoring and Protection Plan (WQMPP) to Ecology's Federal Permit Manager (per Condition A2, above) for review and approval at least 20 days prior to any in- and-over water work activities. Work is not authorized to begin until approval is received. The WQMPP shall include at a minimum, the following information:~~
 - ~~a. The name(s) and contact information of the person or firm responsible for on-site monitoring and reporting;~~
 - ~~b. The Best Management Practices (BMPs) and procedures to be used to protect water quality during the specific segments of work activities;~~
 - ~~c. A water sampling plan for turbidity that includes the sampling method and frequency;~~
 - ~~d. A map of the sample locations that shall include, but are not limited to: background (outside the area of influence), half the distance to the point of compliance, and at the point of compliance, unless otherwise approved by Ecology~~

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- ~~e. A contingency plan that includes the steps to be taken if monitoring results indicate that an exceedance has occurred.~~
- ~~3. Ecology must approve, in writing, any changes or additions to the WQMPP.~~
- 2. Water Quality Sampling and Monitoring: The Applicant shall conduct water quality monitoring as described in the approved *Water Quality Monitoring Plan, Prologis Park Tacoma* prepared by Soundview Consultants LLC dated August 9, 2016.
- 3. Ecology must approve, in writing, any changes or additions to the WQMPP.
- 4. Results of the water quality monitoring shall be documented in a report and submitted weekly to the Federal Permit Manager per condition A.2. (Refer to Attachment B for an example.) The Report must include the following monitoring information: Date, time, monitoring location, turbidity observations, name of personnel doing the monitoring, and the weather conditions at the time of the monitoring.
- 5. If water quality exceedances are observed outside the point of compliance, work shall cease immediately and the Applicant or the contractor shall assess the cause of the water quality problem and take immediate action to stop, contain, correct the problem and prevent further water quality turbidity exceedances. If an exceedance occurs, the Applicant shall follow the procedures below:
 - a. Notification of exceedances: Notification of exceedances shall be made to Ecology within **24 hours of occurrence**. Notification shall be made with reference to Order # 10471, Attn: 401/CZM Federal Permit Manager by telephone at (360) 407-6926 or by e-mail at loch461@ecy.wa.gov. The Applicant shall, at a minimum, provide Ecology with the following information:
 - i. A description of the nature, extent, and cause of the exceedance.
 - ii. The period of non-compliance, including exact dates, duration, and times and/or anticipated time when the project will return to compliance.
 - iii. The steps taken, or to be taken to reduce, eliminate, and prevent a recurrence of the non-compliance.
 - iv. In addition, within five (5) days after the notification of the exceedance, the Applicant shall submit a written report to Ecology (per conditions A.2.) that describes the nature of the exceedance(s), corrective action taken and/or planned, steps taken to prevent a recurrence, photographs, and any other pertinent information;
 - b. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

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*Order No. 10471, Corps No. NWS-2012-1320-WRD
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C. Timing Requirements:

This Order shall remain in effect for a period of five (5) years from the date of issuance. Continuing this project beyond the five year term of this Order will require separate certifications every five years.

D. Notification Requirements:

1. Written notification (e-mail is preferred) shall be made to Ecology's Southwest Regional Office Federal Permit Manager in accordance with condition A2, above for the following activities:
 - a. At least ten (10) days prior to the onset of in-water work in each construction season.
 - b. Within ten (10) days after completion of construction for each project season.
 - c. Immediately following a violation of the state water quality standards or any condition of this Order.
 - d. If project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit a written construction status report. Status reports shall be submitted every 12 months thereafter until project construction is complete.

E. Project Specific Conditions:

General Construction

1. The Applicant shall comply with the conditions of the current Construction Stormwater General Permit (National Pollutant Discharge Elimination System - NPDES) No. WAR-126985 issued for this project.
2. All work in and near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMP's) suitable to prevent exceedances of state water quality standards shall be in place at before starting clearing, filling, and grading work and shall be maintained throughout construction.
3. The Applicant must use an Ecology approved Stormwater Manual for implementation, maintenance, and operation of BMPs.
4. Within the project limits, all environmentally sensitive areas that are to be protected from disturbance shall be fenced with high visibility construction (HVF) prior to commencing construction activities. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries.
5. The project shall be clearly marked/staked prior to commencing project activities on site. Clearing limits, travel corridors, stockpile sites, and staging areas shall be clearly marked

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and maintained until all work is completed. Equipment shall enter and operate within the marked clearing limits, corridors, and stockpile areas.

6. Staging areas will be located a minimum of 50 feet from waters of the state, including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation (with additional BMPs) and obtain approval from Ecology's Federal Permit Manager before placing the staging area within the setback area.
7. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands a minimum of 50 feet, and where practical, 100 feet, from waters of the state including wetlands, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.
8. No petroleum products, fresh concrete, lime, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
9. All equipment that will operate over or within waters of the state shall be free of external petroleum-based products. Accumulation of soils or debris shall be removed from the drive mechanisms and the undercarriage of equipment prior to use. Equipment shall be inspected daily for leaks, accumulation of grease, etc. Any identified problems shall be fixed before operating over or within waters of the state.
10. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working area shall not be discharged into state waters. The Applicant shall establish a separate, contained area for washing down vehicles and equipment that does not have any possibility of draining to surface waters and/or wetlands.
11. All construction debris, concrete waste material, excess sediment, and other solid waste shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
12. Appropriate BMPs shall be implemented to minimize track-out during construction.
13. Clean Fill Criteria: The Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.

Potentially Contaminated Soils

14. Contaminants may be present at the proposed project site. If contamination is discovered, it must be reported to Ecology (per Condition A2, above). Contaminated soils or water may require special handling and/or disposal to avoid escaping dust, soil erosion, and water pollution during grading and construction activities.

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15. If contamination is currently known or observed during construction, sampling of the potentially contaminated media must be conducted. Protective measures to isolate or remove contaminated soils shall be implemented. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations.
16. If a Phase II site assessment is required and contamination of the soil or groundwater is readily visible, or is revealed by sampling, Ecology must be notified.

Temporary Diversion Structure and Dewatering

17. The temporary cofferdam to divert water around the work area shall be in place prior to initiation of other work in the wetted perimeter of that area.
18. The temporary diversion shall be of sufficient size, constructed of non-erosive materials, and installed to divert the entire flow through the bypass or around the isolated work area for the duration of the project.
19. The diversion system shall be designed and operated so as not to cause erosion in the channel or on the bank of the waterbody in which the work is being conducted.
20. Prior to returning water flow to the work area, all bank protection measures shall be in place.
21. Re-introduction of water into the isolated work area shall be done gradually, and at a rate not higher than the normal flow, in order to minimize the mobilization of sediments and fines.
22. Upon completion of the project, all material used for the temporary diversion shall be removed from the site.
23. Turbid dewatering water (including turbid water generated from cleaning and maintenance activities) shall not be discharged directly into waters of the state. Turbid water shall be pumped to an upland area to allow the turbid water to settle. The discharge from the upland areas shall meet water quality criteria at the point of discharge into surface waters and/or wetlands.
24. Dewatering water that is not turbid may be discharged directly to surface waters and/or wetland provided that: a) waste water containing raw concrete or other harmful material has not been in contact with the water to be discharged, and b) the water will meet **all of the water quality standards at the point of discharge.**

Concrete Work

25. Spill protection measures shall be in place prior to any concrete delivery over water.

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October 29, 2014: First Amendment changes are reflected in RED.

September 20, 2016: Second Amendment changes are reflected in BLUE.

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26. All concrete shall be poured in the dry, or within confined waters not being dewatered and shall be completely cured prior to coming into contact with waters of the state.
27. Uncured concrete and concrete by-products shall be completely sealed off and totally contained using sealed forms or other leak-proof containment system.
28. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area shall be routed to a contained area to be treated and disposed of appropriately with no possible entry to waters of the state.
29. Crushed concrete shall not be used for driving surfaces.

G. Emergency/Contingency Measures:

1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project and shall have spill cleanup materials and an emergency call list available on site.
2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or Operator shall immediately take the following actions:
 - a. Cease operations that are causing the compliance problem.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - c. In the event of finding distressed or dying fish, the Applicant or Operator shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until instructed by Ecology on what to do with them. Ecology may require analysis of these samples before allowing the work to resume.
 - d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
 - e. Immediately notify Ecology's 24-Hour Spill Response Team at 1-800-258-5990 **and** within 24 hours of spills or other events to Ecology's Federal Permit Manager at (360) 407-6926 or (360) 407-6300.

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- f. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps taken to prevent recurrence, results from any samples taken, and any other pertinent information.
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology using the above phone numbers.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

| Street Addresses | Mailing Addresses |
|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 | Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 |
| Pollution Control Hearings Board 1111 Israel Rd SW STE 301 Tumwater, WA 98501 | Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903 |

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CONTACT INFORMATION

Please direct all questions about this Order to:

Lori Ochoa
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Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775
loch461@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.ecy.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice and Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173.204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html